

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION**

IN RE:

Darryl E. Rose and)	Case No.: 13-20006
Susan R. Rose)	Chapter 7
)		
Debtors)	
)		

MOTION FOR APPROVAL OF SALE OF REAL PROPERTY

NOW COMES Roberts & Stevens, P. A., Chapter 7 Trustee, upon the Motion for Court Approval of the Sale of Debtors' interest in Real Property and in support of the Motion, respectfully alleges and says:

1. The above referenced Debtors filed for relief pursuant to Chapter 7 of the Bankruptcy Code on January 14, 2013. Roberts & Stevens, P.A. was appointed the Chapter 7 Trustee on January 16, 2013.

2. The Debtors own real property located at 34 Willow St., Murphy, Cherokee County, North Carolina and more particularly described in Deed Book 1394, Page 450 of the Cherokee County Registry of Deeds.

3. The Trustee has received an offer for the purchase of the property in the amount of \$22,000.00 and the Trustee desires to sell the Debtors' interest in the real property by private sale to Steve Forrister. See copy of Offer to Purchase attached hereto and incorporated herein by reference as Exhibit "A."

4. The Trustee believes that the offer as outlined herein to be in the very best interest of the Estate and, due to an encroachment issue the Purchaser is willing to assume, is a fair price for the property.

5. The Trustee requests that it be authorized to sell the Debtors' interest in the real property described above to Steve Forrister upon execution of an Order approving the sale pursuant to Bankruptcy Code Section 363(f).

WHEREFORE, the Trustee requests that this Court authorize the sale of the Real Property described herein to Steve Forrister for the total sum of \$22,000.00, as is/where is, free and clear of liens, with all valid liens attaching to proceeds, and for such other and further relief as to the Court seems just and proper.

This the 27th day of February, 2015.

ROBERTS & STEVENS, P. A., Trustee

/s/ Marjorie R. Mann

Marjorie R. Mann
Attorney for Trustee
Post Office Box 7647
Asheville, NC 28802
(828) 252-6600
North Carolina State Bar No. 13202

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served the foregoing Motion for Approval of Sale of Real Property upon the parties below by depositing a copy hereof in a postpaid wrapper in a Post Office or official depository under the exclusive care and custody of the United States Postal Service:

Linda Simpson
U.S. Bankruptcy Administrator
402 West Trade Street, Suite 200
Charlotte, NC 28202

Edward C. Hay, Jr.
137 Biltmore Ave.
Asheville, NC 28801

Darryl E. Rose
Susan R. Rose
104 Eagles View Summit
Hayesville, NC 28904

Steve Forrister
c/o Appalachian Land Company
5510 West US 64
Murphy, NC 28906

This the 27th day of February, 2015.

/s/ Marjorie R. Mann
Marjorie R. Mann,
Attorney for the Trustee

**UNITED STATES BANKRUPTCY COURT
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IN RE:

Darryl E. Rose and)	Case No.: 13-20006
Susan R. Rose)	Chapter 7
)	
Debtors)	
)	

NOTICE OF MOTION FOR APPROVAL OF SALE OF REAL PROPERTY

PLEASE TAKE NOTICE that the Trustee has filed a Motion for Approval of Sale of Real Property. A copy of the Motion has been filed with the Clerk of Court and is available in the Trustee's office for your review.

The above referenced Debtors filed for relief pursuant to Chapter 7 of the Bankruptcy Code on January 14, 2013. Roberts & Stevens, P.A. was appointed the Chapter 7 Trustee on January 16, 2013. The Debtors own real property located at 34 Willow St., Murphy, Cherokee County, North Carolina and more particularly described in Deed Book 1394, Page 450 of the Cherokee County Registry of Deeds.

The Trustee has received an offer for the purchase of the property in the amount of \$22,000.00 and the Trustee desires to sell the Debtors' interest in the real property by private sale to Steve Forrister. See copy of Offer to Purchase attached hereto and incorporated herein by reference as Exhibit "A." The Trustee believes that the offer as outlined herein to be in the very best interest of the Estate and, due to an encroachment issue the Purchaser is willing to assume, is a fair price for the property.

The Trustee requests that it be authorized to sell the Debtors' interest in the real property described above to Steve Forrister upon execution of an Order approving the sale pursuant to Bankruptcy Code Section 363(f).

Any response, including objections, to the Motion filed by the Trustee should be filed with the Clerk of the Bankruptcy Court within seven (7) days of the date of this Notice and a copy served on the attorney identified below. Any response shall clearly identify the specific motion to which the response is directed, and it shall comply fully with Local Bankruptcy Rule 7. If a request is not filed in a timely manner, no hearing will be held and the Court will consider the matter on the record and enter its ruling. **THIS SHORTENED NOTICE IS WITH COURT APPROVAL.**

PLEASE TAKE FURTHER NOTICE that if a response is timely filed and served, the Court will conduct a hearing on the 17th day of March, 2015, at 9:30 a. m. at the United States Courthouse, 100 Otis Street, Asheville, North Carolina or if necessary telephonically to accommodate possible closing. No further Notice of this hearing will be given.

This the 27th day of February, 2015.

ROBERTS & STEVENS, P. A.

/s/ Marjorie R. Mann
Marjorie R. Mann
Attorney for the Trustee
Attorney Bar Number 13202
Post Office Box 7647
Asheville, NC 28802
(828) 252-6600

Address of the Court:
Steven T. Salata, Clerk
United States Bankruptcy Court
100 Otis Street, Room 112
Asheville, NC 28801

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served the foregoing Notice of Motion for Approval of Sale of Real Property upon the parties below by depositing a copy hereof in a postpaid wrapper in a Post Office or official depository under the exclusive care and custody of the United States Postal Service:

Matrix Mailing.

This the 27th day of February, 2015.

/s/ Marjorie R. Mann
Marjorie R. Mann